

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 154 final

Brussels, 18 April 1975

Amendments to the proposal for a Directive on waste disposal.

(doc.COM(74) 1297 final)

(presented by the Commission to the Council pursuant to the  
second paragraph of Article 149 of the EEC Treaty)



POSITION

On the amendments proposed by the European Parliament and the Economic and Social Committee to the proposal for a Council Directive on waste disposal (doc. COM (74) 1297 final).

---

Title of the Directive

- (A) (\*) The European Parliament proposed that the title of the Directive be amended to read: "Proposal for a Directive concerning the waste sector".
- (B) (\*) This proposal can be accepted. The provisions of the Directive are not in fact limited to the disposal of waste, but also cover reuse and recycling. Consequently it is proposed that the title of the Directive be amended to read: "Proposal for a Council Directive on waste".

Article 2

- (A) The European Parliament proposes that the exclusion of a number of types of waste from the scope of the Directive be deleted:
- waste from the prospecting for and the extraction, processing and storage of mineral resources and the working quarries;
  - agricultural waste.

The Parliament also requests the inclusion of waste oils, the subject of a Directive adopted by the Council on 7 November last. It wants only the exclusion of radioactive waste to be maintained.

- (B) To justify the exclusion of the waste listed in Article 2 from the scope of the Directive, the Commission stated that its disposal should be covered by specific provisions.

---

(\*) A = proposed amendments

B = position on them.

The Commission could undertake to submit to the Council in due course, as Parliament suggests, proposals for Directives concerning waste from the extraction of mineral resources, the working of quarries and agriculture with a view to Community harmonization of often divergent national laws. However, it must be pointed out that these are non-priority sectors not appearing in the first Community programme of action on the environment.

It is not possible to include the Directive on the disposal of waste oils in the scope of this Directive; it lays down special procedures for this particular type of waste and covers the disposal of such oils without restricting it to waste oils tipped on to or into the ground. Consequently it is proposed that the Commission's text be maintained.

#### Article 3

- (A) The Economic and Social Committee and European Parliament suggest that this article be drafted in more detail.
- (B) Except for the protection of the flora and fauna, which could usefully be inserted in this Article as the Economic and Social Committee recommends, the other amendments proposed by the European Parliament only spell out more precisely the aims given in Article 3. Consequently it is proposed that the protection of the flora and fauna be inserted in the second indent of Article 3 as follows:
- "- without risk to water, air and soil or to the fauna and flora".

#### Article 4

- (A) The European Parliament proposes the addition of a phrase indicating that the collection, sorting and treatment of waste should be organized as efficiently as possible.
- (B) This amendment can be accepted.

Article 8

- (A) The European Parliament proposes that the undertakings referred to in Article 6 should be inspected at least every six months by the competent authority.
- (B) It is proposed that the initial text be retained. It seems that the obligation on undertakings to comply with the objectives set out in Article 3 and the periodic inspections to which they will have to submit should be sufficient to ensure satisfactory application of the text while at the same time leaving Member States the necessary flexibility.

Article 9

- (A) The European Parliament suggests that undertakings disposing of their own waste and undertakings collecting waste should be subject to supervision every six months by the competent authority.
- (B) It is proposed that the initial text be retained for the reasons given for Article 8.

Article 10

- (A) The European Parliament proposes that the plan for the disposal of waste considered particularly dangerous or difficult to process should be mandatory.
- (B) This amendment can be accepted.

Articles 12 and 13

- (A) The European Parliament proposes that Article 13 be deleted and Article 12 made clearer.
- (B) It is proposed that the initial texts be retained. The current wording of Articles 12 and 13 is more precise.

Article 14

- (A) The European Parliament proposes that Member States should prepare an annual report on waste disposal.
- (B) This amendment can be accepted.

Article 16

- (A) The European Parliament suggests that the Member States ensure that the provisions of national law which they intend to adopt are forwarded to the Commission in good time to allow it to give its views on them.
- (B) It is proposed that the initial text be retained.

Amendments to the proposal for a Directive on waste disposal

---

(forwarded to the Council by the Commission pursuant to the second paragraph of Article 149 of the EEC Treaty)

The proposal for a Directive forwarded to the Council on 17 September 1974 is modified as follows:

- an amendment to the title of the Directive
- an amendment to Article 3
- an amendment to Article 4
- an amendment to Article 10
- an amendment to Article 14.

ORIGINAL TEXT

Title of the Directive

Proposal for a Council Directive  
on waste disposal

Article 3

Member States shall take the  
necessary measures to dispose of  
waste:

- without endangering human health;
- without risk to water, air and  
soil;
- without interfering with beauty  
spots and the countryside.

Article 4

Member States shall take the  
necessary measures to  
encourage waste recycling and salvage.

AMENDED TEXT

Title of the Directive

Proposal for a Council Directive on  
waste

Article 3

Member States shall take the  
necessary measures to dispose of  
waste:

- without endangering human health;
- without risk to water, air and soil  
or to the fauna and flora;
- without interfering with beauty  
spots and the countryside.

Article 4

Member States shall take the necessary  
measures to encourage waste recycling  
and salvage and to ensure systematic  
rationalisation of waste collection,  
sorting and treatment.

ORIGINAL TEXT

Article 10

The competent authority shall be required to draw up a plan which, among other things, covers:

- (a) type and quantity of waste to be disposed of in its area, with a mention in every case of those types of waste considered to be specially dangerous or difficult to treat;
- (b) persons entitled to carry out this disposal;
- (c) methods of disposal and their cost;
- (d) disposal sites and suitable equipment.

AMENDED TEXT

Article 10

1. The competent authority shall be required to draw up a plan which, among other things, covers:

- (a) type and quantity of waste to be disposed of in its area;
- (b) persons entitled to carry out this disposal;
- (c) methods of disposal and their cost;
- (d) disposal sites and suitable equipment.

2. For waste considered to be specially dangerous or difficult to treat, the disposal plans shall be mandatory.

ORIGINAL TEXT

Article 14

Each Member State shall, at two-yearly intervals, draw up a report on waste disposal in its territory and shall forward it to the Commission who will then circulate it to the other Member States.

AMENDED TEXT

Article 14

Each Member State shall draw up an annual report on waste disposal in its territory and shall forward it to the Commission who will then circulate it to the other Member States.